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Hiroataka Ishikawa

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23373 7590 08/23/2007  
SUGHRUE MION, PLLC  
2100 PENNSYLVANIA AVENUE, N.W.  
SUITE 800  
WASHINGTON, DC 20037

EXAMINER

KIM, KEVIN Y

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/527,067

Applicant(s)

ISHIKAWA ET AL.

Examiner

Kevin Y. Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 3/9/2005
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

Claim 1 recites the limitation "character input processing means which ... displays character input criteria" in lines 4-7, and "speech input processing means which ... displays character input criteria" in lines 10-13. There is insufficient antecedent basis for this limitation in the claim. The specification reads that the input devices input strings which are displayed as options on the game screen (page 14, lines 5-22). There is no mention that the input processing means perform the displaying; it is implied that the criteria is displayed by other means, such as the graphics processing unit and the monitor (page 18, lines 17-19).

Claim 2 recites the limitation "character input processing means which ... displays character input criteria" in page 32, lines 18-21 and line 27, and "speech input processing means which ... displays character input criteria" in page 33, lines 1-5. There is insufficient antecedent basis for this limitation in the claim. The specification reads that the input devices input strings which are displayed as options on the game screen (page 14, lines 5-22). There is no mention that the input processing means perform the displaying; it is implied that the criteria is displayed by other means, such as the graphics processing unit and the monitor (page 18, lines 17-19).

Claim 5 recites the limitation "character input processing means which ...

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displays character input criteria" in page 34, lines 7-10, and "speech input processing means which ... displays character input criteria" in lines 13-16. There is insufficient antecedent basis for this limitation in the claim. The specification reads that the input devices input strings which are displayed as options on the game screen (page 14, lines 5-22). There is no mention that the input processing means perform the displaying; it is implied that the criteria is displayed by other means, such as the graphics processing unit and the monitor (page 18, lines 17-19).

Claim 6 recites the limitation "character input processing means which ... displays character input criteria" in page 34, line 27, page 35, lines 1-3, and "speech input processing means which ... displays character input criteria" in lines 1-3 and 6-9. There is insufficient antecedent basis for this limitation in the claim. The specification reads that the input devices input strings which are displayed as options on the game screen (page 14, lines 5-22). There is no mention that the input processing means perform the displaying; it is implied that the criteria is displayed by other means, such as the graphics processing unit and the monitor (page 18, lines 17-19).

Claim 12 recites the limitation "character input processing means which ... displays character input criteria" in page 37, lines 19-22 and 25-27, and "speech input processing means which ... displays character input criteria" in page 38, line 1. There is insufficient antecedent basis for this limitation in the claim. The specification reads that the input devices input strings which are displayed as options on the game screen (page 14, lines 5-22). There is no mention that the input processing means perform the

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displaying; it is implied that the criteria is displayed by other means, such as the graphics processing unit and the monitor (page 18, lines 17-19).

### ***Claim Objections***

2. Claim 10 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). Accordingly, the claim has not been further treated on the merits.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-2, 5-6, 9, and 11-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In re claim 1:

Claim 1 recites a "priority input device information ... represents a character input device" in page 31, lines 4-6. Having information representing a device is unclear. Examiner will interpret the limitation as reading that the information indicates that a character input device is being used.

Claim 1 also recites a character input processing means which "determines whether or not that input corresponds to the input criteria" in page 31, lines 7-8. The word "that" puts uncertainty as to which input criteria is being addressed; the examiner

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will interpret the limitation as reading "that" input to be the character input.

The claim recites "priority device information ... represents a speech input device" in page 31, lines 10-12. Information representing a device is not fully clear. The examiner will interpret the limitation as reading that the information indicates that a speech input device is being used.

Additionally, the claim recites "character input criteria as input criteria" in page 31, line 13. It is unclear whether the character input criteria and input criteria are newly acquired, or the same criteria as mentioned in page 31, line 7. The examiner interprets this as being the same criteria.

Furthermore, the origin of the "predetermined character input criteria" of page 31, line 14 is not explained in the claim, nor is it clear which character input criteria is being addressed. Examiner interprets this as being the character input criteria of page 31, line 7. Also, in page 31, line 17 recites "determines whether or not that input." Again, the word "that" is unclear as to the exact input being referred to. Examiner interprets the input as being the character input criteria.

The "speech recognition data corresponding to the input criteria" of page 31, lines 19-20 is unclear, as it is not explained where said data comes from, or which input criteria the data refers to. The examiner interprets the data as referring to the first character input criteria of page 31, line 7.

In re claim 2:

Claim 2 recites the limitation "speech recognition data storage means ... stores speech recognition data corresponding to the basic string in a manner corresponding to

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each of those basic strings" in page 32, lines 2-8. It is unclear to the examiner the manner in which the speech recognition data is stored. Examiner will interpret this as being the same manner as the substitute storage means. Additionally, the "corresponding manner" of lines 10 and 12-13 will be interpreted similarly.

The limitation "priority input device information ... represents a character input device" (page 32, lines 18-20) is unclear, as having information representing a device is not fully clear. Similarly, the priority input device information representing a speech input device (page 32, lines 22-24) is not clear for the same reasons. Examiner will interpret the limitation as reading that the information indicates that a character input device is being used.

In re claim 3, the limitation "displays the input criteria" (page 33, line 21) is disclosed. However, it is not specified which input criteria is being referenced. The examiner will interpret it as being the character input criteria.

In re claim 5:

The claim recites the limitation "priority input device information ... represents a character input device" and "priority input device information ... represents a speech input device" in page 34, lines 7-9 and 13-15 respectively. Having information representing a physical device is unclear. The examiner will interpret the limitations as reading that the information indicates that a character input device and speech input device is being used.

Additionally, the word "that" in "determines whether or not that input" (page 34, lines 10-11 and 19) is indefinite, and provides doubt as to which input the claim is

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referring to. The examiner will interpret it as being the character input.

The "character input criteria" and "input criteria" of line 16 is not distinguished from the previously described criteria in line 10. It is not clear whether they are meant to be different or the same, and so the examiner will interpret them to be the same criteria. Furthermore, the "predetermined character input" of line 17 is not clearly defined to be a new character input, or the same input as disclosed in line 10.

Examiner will interpret it to be the same input.

In re claim 6:

Claim 6 recites a program, but then claims an apparatus. Applicant is required to clarify what is being claimed.

Claim 6 recites the limitation "priority input device information ... represents a character input device" (page 34, line 27 and page 35, lines 1-2) and "priority input device information ... represents a speech input device" (page 35, lines 6-8). Having information representing a physical device is unclear. The examiner will interpret the limitations as reading that the information indicates that a character input device and speech input device is being used.

Claim 6 also recites "determines whether or not that input corresponds to the input criteria" (page 35, lines 3-4) and "determines whether or not that input corresponds to speech recognition data" (page 35, lines 12-13). The word "that" puts uncertainty as to which input criteria is being addressed; the examiner will interpret the limitation as reading "that" input to be the character input.

The character input criteria and input criteria in line 9 are unclear as to whether



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they are newly acquired inputs, or referring back to the ones in line 3. The examiner will interpret them to be the same. Similarly, the "predetermined" character input (line 10) is not clearly defined to be a new character input, or the same input as disclosed previously. The examiner will presume that it is the same.

Claim 7 recites "priority input device information represents a character input device and ... a speech input device" (page 35, lines 19-21 and 22-24). Having information represent a physical device is unclear. The examiner will interpret the limitations as reading that the information indicates that a character input device and speech input device is being used.

Claim 8 recites "priority input device information represents a character input device and ... a speech input device" (page 36, lines 6-8 and 9-11). Having information represent a physical device is unclear. The examiner will interpret the limitations as reading that the information indicates that a character input device and speech input device is being used.

Claim 9 recites a program, but then describes the structure of an apparatus. Applicant is required to clarify what is being claimed. Claim 9 also recites "priority input device information represents a character input device and ... a speech input device" (page 36, lines 21-23 and 24-26). Having information represent a physical device is unclear. The examiner will interpret the limitations as reading that the information indicates that a character input device and speech input device is being used.

Claim 11 recites a program distribution device comprising an information storage medium in which is recorded the program of claim 6 or 9. However, claim 6 or 9 does

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not clearly claim a program; the claims more closely resemble an apparatus claim.

Claim 6 or 9 must be properly addressed in order for this claim to be proper.

In re claim 12:

Claim 12 recites a program stored on a storage medium, but then claims the structure of an apparatus. Applicant is required to clarify what is being claimed.

Claim 12 also recites "priority input device information represents a character input device and ... a speech input device" (page 37, lines 19-21 and 25-27). Having information represent a physical device is unclear. The examiner will interpret the limitations as reading that the information indicates that a character input device and speech input device is being used.

Furthermore, the character input criteria and input criteria of page 38, line 1 is not distinguished from the input criteria previously disclosed on page 37, lines 22. The examiner presumes that they are the same inputs. In addition, the "predetermined" character input (page 38, line 2) is not clearly defined to be a new character input, or the same input as disclosed previously. The examiner will presume that it is the same.

In re claim 13:

Claim 13 recites a program stored on a storage medium, but then claims the structure of an apparatus. Applicant is required to clarify what is being claimed.

Claim 13 also recites "priority input device information represents a character input device and ... a speech input device" (page 38, lines 13-15 and 16-18). Having information represent a physical device is unclear. The examiner will interpret the limitations as reading that the information indicates that a character input device and

speech input device is being used.

***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 6 and 9 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. A program must be on a computer-readable medium.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-2, 4-9, and 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Hamada (EP 0 850 673 A1).

8. In re claim 1, Hamada discloses a game device comprising:

Priority input device information acquisition means for acquiring priority input device information (Figure 3, 63 and 64). This limitation meets the three-prong test per MPEP 2181 and thereby invokes 35 U.S.C. 112 6<sup>th</sup> paragraph. The controller of Hamada is considered an equivalent to applicant's means (page 15, line 4) because it

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performs the same function in substantially the same way and produces substantially the same result as the corresponding element in applicant's specification. See MPEP 2183.

Character input processing means (Figure 2, 101) which, when the priority input device information acquired by the priority input device information acquisition means represents a character input device, displays character input criteria as input criteria (page 11, lines 29-31, "text of the TV screen"), determines whether or not that input corresponds to the input criteria, and controls a game on the basis of the determination result (page 2, lines 10-13 and 21-24).

Speech input processing means (Figure 2, 101) which, when the priority input device information acquired by the priority input device information acquisition means represents a speech input device, displays character input criteria as input criteria (page 11, lines 29-31, "text of the TV screen"), and in regard to predetermined character input criteria, displays speech input criteria corresponding to the character input criteria as input criteria in regard to predetermined character input criteria, determines whether or not that input corresponds to speech recognition data corresponding to the input criteria, and controls a game on the basis of the determination result (page 7, lines 36-40 and page 3, lines 24-27).

9. In re claim 2, Hamada discloses a game device comprising:

Basic string storage means for storing a plurality of basic strings (figure 3, 61).

This limitation meets the three-prong test per MPEP 2181 and thereby invokes 35 U.S.C. 112 6<sup>th</sup> paragraph. The memory of Hamada is considered an equivalent to

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applicant's means (page 15, line 2) because it performs the same function in substantially the same way and produces substantially the same result as the corresponding element in applicant's specification. See MPEP 2183.

Substitute string storage means for storing a substitute string in a manner corresponding to each of at least some of the plurality of basic strings stored in the basic string storage means (page 6, lines 20-32 and figure 3, 61). This limitation meets the three-prong test per MPEP 2181 and thereby invokes 35 U.S.C. 112 6<sup>th</sup> paragraph. The memory of Hamada is considered an equivalent to applicant's means (page 15, line 2) because it performs the same function in substantially the same way and produces substantially the same result as the corresponding element in applicant's specification. See MPEP 2183.

Speech recognition data storage means which, in regard to basic strings to which the substitute string has not been stored in a corresponding manner in the substitute string storage means of the plurality of basic strings stored in the basic string storage means, stores speech recognition data corresponding to the basic string in a manner corresponding to each of those basic strings (figure 3, 61, page 5, lines 5-8). This limitation meets the three-prong test per MPEP 2181 and thereby invokes 35 U.S.C. 112 6<sup>th</sup> paragraph. The memory of Hamada is considered an equivalent to applicant's means (page 15, line 2) because it performs the same function in substantially the same way and produces substantially the same result as the corresponding element in applicant's specification. See MPEP 2183.

In regard to basic strings to which the substitute string has been stored in a

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corresponding manner in the substitute string storage means of the plurality of basic strings stored in the basic string storage means, stores speech recognition data corresponding to the substitute string in a manner corresponding to each of those basic strings (figure 3, 61, page 5, lines 5-8). This limitation meets the three-prong test per MPEP 2181 and thereby invokes 35 U.S.C. 112 6<sup>th</sup> paragraph. The memory of Hamada is considered an equivalent to applicant's means (page 15, line 2) because it performs the same function in substantially the same way and produces substantially the same result as the corresponding element in applicant's specification. See MPEP 2183.

Priority input device information acquisition means for acquiring priority input device information (Figure 3, 63 and 64). This limitation meets the three-prong test per MPEP 2181 and thereby invokes 35 U.S.C. 112 6<sup>th</sup> paragraph. The controller of Hamada is considered an equivalent to applicant's means (page 15, line 4) because it performs the same function in substantially the same way and produces substantially the same result as the corresponding element in applicant's specification. See MPEP 2183.

Input criteria display means (Figure 4, 5) which:

When the priority input device information acquired by the priority input device information acquisition means represents a character input device, displays, as input criteria, the basic strings stored in the basic string storage means (page 11, lines 29-31, "text of the TV screen").

When the priority input device information acquired by the priority input device information acquisition means represents a speech input device, in regard to the basic

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strings to which the substitute string has not been stored in a corresponding manner in the substitute string storage means of the plurality of basic strings stored in the basic string storage means, displays those basic strings as input criteria (page 11, lines 29-31, "text of the TV screen"), and in regard to the basic strings to which the substitute string has been stored in a corresponding manner in the substitute string storage means of the plurality of basic strings stored in the basic string storage means, displays those substitute strings as input criteria (page 11, lines 29-31, "text of the TV screen").

Control means for controlling the game on the basis of the result of determination by the determination means (page 4, lines 23-29 and page 11, lines 4-5 and 17-23).

This limitation meets the three-prong test per MPEP 2181 and thereby invokes 35 U.S.C. 112 6<sup>th</sup> paragraph. Hamada discloses that the game pad is replaceable with the voice recognition device, which means that the game may be controlled by either the game pad, or the voice recognition device. The controller of Hamada is considered an equivalent to applicant's means (page 15, line 6) because it performs the same function in substantially the same way and produces substantially the same result as the corresponding element in applicant's specification. See MPEP 2183.

10. In re claim 4, Hamada discloses a means for controlling the probability of predetermined game events on the basis of the priority input device information acquired by the priority input device information acquisition means (page 12, lines 32-34). This limitation meets the three-prong test per MPEP 2181 and thereby invokes 35 U.S.C. 112 6<sup>th</sup> paragraph. The voice recognition section of Hamada is considered an equivalent to applicant's means (page 28, lines 5-14) because one skilled in the art

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would recognize the interchangeability of the said means with the means disclosed in the specification. See MPEP 2183.

11. In re claim 5, Hamada discloses a control method for a game device comprising:

Priority input device information acquisition step of acquiring priority input device information (page 2, lines 12-15).

Character input processing step which, when the priority input device information acquired by the priority input device information acquisition means represents a character input device, displays character input criteria as input criteria (page 11, lines 29-31, "text of the TV screen"), determines whether or not that input corresponds to the input criteria, and controls a game on the basis of the determination result (page 2, lines 10-13 and 21-24).

Speech input processing step which, when the priority input device information acquired by the priority input device information acquisition means represents a speech input device, displays character input criteria as input criteria (page 11, lines 29-31, "text of the TV screen"), and in regard to predetermined character input criteria, displays speech input criteria corresponding to the character input criteria as input criteria in regard to predetermined character input criteria, determines whether or not that input corresponds to speech recognition data corresponding to the input criteria, and controls a game on the basis of the determination result (page 7, lines 36-40 and page 3, lines 24-27).

12. In re claim 6, Hamada discloses a program for having a computer function as a game device comprising:



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Priority input device information acquisition means for acquiring priority input device information (Figure 3, 63 and 64). This limitation meets the three-prong test per MPEP 2181 and thereby invokes 35 U.S.C. 112 6<sup>th</sup> paragraph. The controller of Hamada is considered an equivalent to applicant's means (page 15, line 4) because it performs the same function in substantially the same way and produces substantially the same result as the corresponding element in applicant's specification. See MPEP 2183.

Character input processing means (Figure 2, 101) which, when the priority input device information acquired by the priority input device information acquisition means represents a character input device, displays character input criteria as input criteria (page 11, lines 29-31, "text of the TV screen"), determines whether or not that input corresponds to the input criteria, and controls a game on the basis of the determination result (page 2, lines 10-13 and 21-24).

Speech input processing means (Figure 2, 101) which, when the priority input device information acquired by the priority input device information acquisition means represents a speech input device, displays character input criteria as input criteria (page 11, lines 29-31, "text of the TV screen"), and in regard to predetermined character input criteria, displays speech input criteria corresponding to the character input criteria as input criteria in regard to predetermined character input criteria, determines whether or not that input corresponds to speech recognition data corresponding to the input criteria, and controls a game on the basis of the determination result (page 7, lines 36-40 and page 3, lines 24-27).

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13. In re claim 7, Hamada discloses a game device comprising:

Means for acquiring priority input device information (Figure 3, 63 and 64). This limitation meets the three-prong test per MPEP 2181 and thereby invokes 35 U.S.C. 112 6<sup>th</sup> paragraph. The controller of Hamada is considered an equivalent to applicant's means (page 15, line 4) because it performs the same function in substantially the same way and produces substantially the same result as the corresponding element in applicant's specification. See MPEP 2183.

Means for displaying input criteria (Figure 2, 5) of which at least some are different between when the priority input device information represents a character input device and when the priority input device information represents a speech input device (page 11, lines 29-31, "text of the TV screen"). This limitation meets the three-prong test per MPEP 2181 and thereby invokes 35 U.S.C. 112 6<sup>th</sup> paragraph. Furthermore, Hamada shows that the input information differs depending on whether the player is using the game pad, or voice recognition (page 6, lines 20-32). The means of Hamada are considered an equivalent to applicant's means (page 15, line 5) because it performs the same function in substantially the same way and produces substantially the same result as the corresponding element in applicant's specification. See MPEP 2183.

Means for determining, when the priority input device information represents a character input device and when the priority input device information represents a speech input device (figure 3, 104, page 4, lines 23-29), whether or not the input thereof corresponds to the different input criteria (page 6, lines 51-52, page 7, lines 36-40 and page 3, lines 24-27). This limitation meets the three-prong test per MPEP 2181 and

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thereby invokes 35 U.S.C. 112 6<sup>th</sup> paragraph. The means of Hamada are considered equivalents to applicant's means (page 15, line 5) because it performs the same function in substantially the same way and produces substantially the same result as the corresponding element in applicant's specification. See MPEP 2183.

Means for controlling a game on the basis of the determination result (page 4, lines 23-29 and page 11, lines 4-5 and 17-23). This limitation meets the three-prong test per MPEP 2181 and thereby invokes 35 U.S.C. 112 6<sup>th</sup> paragraph. The means of Hamada are considered equivalents to applicant's means (page 15, line 6) because it performs the same function in substantially the same way and produces substantially the same result as the corresponding element in applicant's specification. See MPEP 2183.

14. In re claim 8, Hamada discloses a control method for a game device comprising:

A step of acquiring priority input device information (page 2, lines 13-15 and lines 37-44).

A step of displaying, on display means (figure 2, 5), input criteria of which at least some are different between when the priority input device information represents a character input device and when the priority device information represents a speech input device (page 11, lines 29-31, "text of the TV screen"). Furthermore, Hamada shows that the input information differs depending on whether the player is using the game pad, or voice recognition (page 6, lines 20-32).

A step of controlling a game on the basis of the determination result (page 4, lines 23-29 and page 11, lines 4-5 and 17-23).

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15. In re claim 9, Hamada discloses a program for having a computer function as a game device comprising:

Means for acquiring priority input device information (Figure 3, 63 and 64). This limitation meets the three-prong test per MPEP 2181 and thereby invokes 35 U.S.C. 112 6<sup>th</sup> paragraph. The controller of Hamada is considered an equivalent to applicant's means (page 15, line 4) because it performs the same function in substantially the same way and produces substantially the same result as the corresponding element in applicant's specification. See MPEP 2183.

Means for displaying input criteria (figure 2, 5) of which at least some are different between when the priority input device information represents a character input device and when the priority input device information represents a speech input device (page 13, line 25). This limitation meets the three-prong test per MPEP 2181 and thereby invokes 35 U.S.C. 112 6<sup>th</sup> paragraph. Furthermore, Hamada shows that the input information differs depending on whether the player is using the game pad, or voice recognition (page 6, lines 20-32). The means of Hamada are considered an equivalent to applicant's means (page 15, line 5) because it performs the same function in substantially the same way and produces substantially the same result as the corresponding element in applicant's specification. See MPEP 2183.

Means for determining, when the priority input device information represents a character input device and when the priority input device information represents a speech input device, whether or not the input thereof corresponds to the different input criteria (page 7, lines 36-40 and page 3, lines 24-27). This limitation meets the three-

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prong test per MPEP 2181 and thereby invokes 35 U.S.C. 112 6<sup>th</sup> paragraph. The means of Hamada are considered equivalents to applicant's means (page 15, line 5) because it performs the same function in substantially the same way and produces substantially the same result as the corresponding element in applicant's specification. See MPEP 2183

Means for controlling a game on the basis of the determination result (page 4, lines 23-29 and page 11, lines 4-5 and 17-23). This limitation meets the three-prong test per MPEP 2181 and thereby invokes 35 U.S.C. 112 6<sup>th</sup> paragraph. The controllers of Hamada are considered equivalents to applicant's means (page 15, line 5) because it performs the same function in substantially the same way and produces substantially the same result as the corresponding element in applicant's specification. See MPEP 2183.

16. In re claim 11, Hamada discloses a program distribution device comprising an information storage medium in which is recorded the program of claim 6 or 9, reads the program from the information storage medium, and distributes the program (page 4, lines 3-9).

17. In re claim 12, Hamada discloses a computer-readable information storage medium in which is stored a program for having a computer to function as a game device comprising:

Priority input device information acquisition means for acquiring priority input device information (Figure 3, 63 and 64). This limitation meets the three-prong test per MPEP 2181 and thereby invokes 35 U.S.C. 112 6<sup>th</sup> paragraph. The controller of

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Hamada is considered an equivalent to applicant's means (page 15, line 4) because it performs the same function in substantially the same way and produces substantially the same result as the corresponding element in applicant's specification. See MPEP 2183.

Character input processing means (Figure 2, 104) which, when the priority input device information acquired by the priority input device information acquisition means represents a character input device, displays character input criteria as input criteria, determines whether or not that input corresponds to the input criteria, and controls a game on the basis of the determination result (page 2, lines 21-24).

Speech input processing means (Figure 2, 64) which, when the priority input device information acquired by the priority input device information acquisition means represents a speech input device, displays character input criteria as input criteria, and in regard to predetermined character input criteria, displays speech input criteria corresponding to the character input criteria as input criteria in regard to predetermined character input criteria, determines whether or not that input corresponds to speech recognition data corresponding to the input criteria, and controls a game on the basis of the determination result (page 7, lines 36-40 and page 3, lines 24-27).

18. In re claim 13, Hamada discloses a computer-readable information storage medium in which is stored a program for having a computer to function as a game device comprising:

Means for acquiring priority input device information (Figure 3, 63 and 64). This limitation meets the three-prong test per MPEP 2181 and thereby invokes 35 U.S.C.

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112 6<sup>th</sup> paragraph. The controller of Hamada is considered an equivalent to applicant's means (page 15, line 4) because it performs the same function in substantially the same way and produces substantially the same result as the corresponding element in applicant's specification. See MPEP 2183.

Means for displaying input criteria of which at least some are different between when the priority input device information represents a character input device and when the priority input device information represents a speech input device (page 13, line 25). This limitation meets the three-prong test per MPEP 2181 and thereby invokes 35 U.S.C. 112 6<sup>th</sup> paragraph. Hamada discloses that one applicable application is for RPGs (role playing games, page 13, line 25). Furthermore, Hamada shows that the input information differs depending on whether the player is using the game pad, or voice recognition (page 6, lines 20-32). The means of Hamada are considered an equivalent to applicant's means (page 15, line 5) because it performs the same function in substantially the same way and produces substantially the same result as the corresponding element in applicant's specification. See MPEP 2183.

Means for determining, when the priority input device information represents a character input device and when the priority input device information represents a speech input device, whether or not the input thereof corresponds to the different input criteria (page 7, lines 36-40 and page 3, lines 24-27). This limitation meets the three-prong test per MPEP 2181 and thereby invokes 35 U.S.C. 112 6<sup>th</sup> paragraph. The means of Hamada are considered equivalents to applicant's means (page 15, line 5) because it performs the same function in substantially the same way and produces

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substantially the same result as the corresponding element in applicant's specification.

See MPEP 2183.

Means for controlling a game on the basis of the determination result (page 4, lines 23-29 and page 11, lines 4-5 and 17-23). This limitation meets the three-prong test per MPEP 2181 and thereby invokes 35 U.S.C. 112 6<sup>th</sup> paragraph. The means of Hamada are considered equivalents to applicant's means (page 15, line 6) because one skilled in the art would recognize the interchangeability of said means with the means disclosed in the specification. See MPEP 2183.

### ***Claim Rejections - 35 USC § 103***

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamada in view of Volk et al (U.S. Patent No. 5,673,401).

21. In re claim 3, Hamada has been discussed above, but is silent on displaying input criteria in a font size according to the priority input device information.

Volk et al discloses an input device (Figure 1, 54) that is connected to a game device, with the input device being able to control such elements in the interface as the font size (column 34, line 34). It would have been obvious to one skilled in the art at the time the invention was made to combine the font size controlling methods of Volk et al



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with the game device of Hamada in order to use visual cues to help lead the user through the various control operations.

### ***Conclusion***

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rajasekarann et al (U.S. Patent No. 4,763,278) discloses a speaker-independent word recognizer. Tanaka et al (U.S. Patent No. 6,544,123 B1) discloses a game apparatus, command input method for video game and computer-readable recording medium recording programs for realizing the same. Kupiec (U.S. Patent No. 5,696,962) discloses a method for computerized information retrieval using shallow linguistic analysis. Kato et al (U.S. Patent No. 5,861,821) discloses a keyboard-type input apparatus. Stanford et al (U.S. Patent No. 5,615,296) discloses a continuous speech recognition and voice response system and method to enable conversational dialogues with microprocessors. Kasai et al (U.S. Patent No. 6,676,523 B1) discloses a control method of video game, video game apparatus, and computer readable medium with video game program recorded. Ohara et al (U.S. Patent No. 7,147,562 B2) discloses an input character processing method.

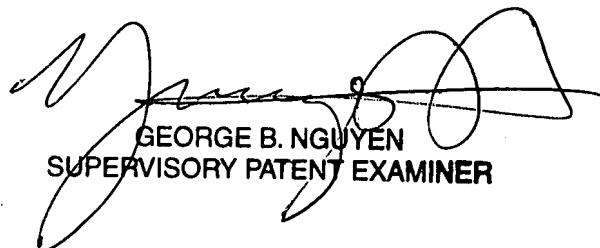
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Y. Kim whose telephone number is 571-272-3215. The examiner can normally be reached on Monday-Thursday, alternating Friday 7:30am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Nguyen can be reached on 571-272-4491. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KK  
7/17/2007



GEORGE B. NGUYEN  
SUPERVISORY PATENT EXAMINER